

EXHIBIT K

CONFIDENTIAL

1 A My name is Joseph Sullivan.

2 Q And do you have a middle name, Mr. Sullivan?

3 A Edmund.

4 Q And where do you reside?

5 A Palo Alto, California.

6 Q And where -- your home address?

7

8 Q And you're an attorney?

9 A I am.

10 Q And where are you admitted to practice law?

11 A I am licensed to practice law in California.

12 I've been admitted in some other states, but I'm not
13 active.

14 Q Okay.

15 A I should say, I'm not a practicing attorney
16 in my current capacity.

17 Q Okay. And what is your -- and who is your
18 employer?

19 A My employer is Uber.

20 Q And what is your job title at Uber?

21 A Chief security officer.

22 Q And how long have you held that position?

23 A Since April of 2015.

24 Q And before that, were you employed by Uber?

25 A No. Before April of 2015 I was employed by

1 Facebook.

2 Q And from how long -- well, how long were you
3 at Facebook?

4 A 2008 to 2015.

5 Q And what sort of work did you do at Facebook?

6 A I started out as an attorney, and then moved
7 to primarily a security-related role.

8 Q And before Facebook?

9 A I was at -- I was at PayPal for two years.

10 Q And you were an attorney there as well?

11 A I managed the North America legal team for
12 PayPal.

13 Q And before PayPal?

14 A I was at the same kind of umbrella company,
15 eBay, for another four and a half years before that.

16 Q Four and a half years?

17 A I think, yeah. So all told at eBay and
18 PayPal, six and a half years.

19 Q And then before PayPal/eBay?

20 A U.S. Department of Justice.

21 Q And were you -- where -- what role did you
22 play in the U.S. Department of Justice?

23 A I had a number of different roles. Most
24 recently I was a federal prosecutor here in the
25 Northern District of California. And before that, I

1 was a federal prosecutor in Las Vegas, Nevada.

2 Q All right.

3 And was that -- did -- prior to working at
4 the Department of Justice, did you have any other
5 legal employment?

6 A I -- my first experience with the Department
7 of Justice was an honorary law grad clerkship right
8 out of law school.

9 But then after I finished the clerkship, I
10 went to a private law firm in Miami named Kaufman
11 Miller Dickstein & Grunspan. And I was an associate
12 there before going back to the Department of Justice.

13 Q Okay. Now, focusing you on your role today,
14 chief security officer, are you a practicing attorney
15 today?

16 A No.

17 Q And what role do you play at Uber as chief
18 security officer?

19 If you could just describe it broadly.

20 A Generally speaking, I'm responsible for
21 anything safety or security or risk management related
22 to safety and security or fraud abuse for the company.

23 Q And, are you familiar with the retention by
24 Uber of Ergo to conduct an investigation of the
25 plaintiff, Mr. Spencer Meyer, in connection with

1 litigation against CEO Travis Kalanick?

2 A I am now familiar with that.

3 Q You're now familiar with that?

4 A Yes.

5 Q Okay. And when did you become aware of
6 Uber's retention of Ergo to conduct an investigation
7 of the plaintiff, Spencer Meyer?

8 A I became aware that we retained Ergo when I
9 saw the report from --

10 Q Okay.

11 A -- that Ergo had prepared.

12 Q And we'll look at some documents.

13 That's about January 19th?

14 Does that sound about right?

15 A I don't remember the dates. I'd have to see
16 it.

17 Q Okay. Now, when -- are you familiar with the
18 company Ergo?

19 A I am familiar with them.

20 Q What does Ergo do?

21 A So I don't know a lot about them. I'm
22 familiar with the name and -- but I -- I don't -- I
23 haven't done a very close look at them, so --

24 Q Do you have -- oh, I didn't mean to cut you
25 off. Sorry.

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10

1 A That's okay.

2 Q Do you have some sense of the general
3 business that Ergo is involved in, what they do?

4 A Yes.

5 Q Can you tell me what that is.

6 A Investigations.

7 Q Now, when did you first become aware of the
8 company Ergo?

9 A I think last -- I think last fall. I don't
10 remember the date.

11 Q The fall of 2015?

12 A Uh-huh.

13 Q How did you become aware of Ergo?

14 A They were recommended to me as a firm that we
15 should consider.

16 Q And who recommended Ergo to you as a firm
17 that you should consider?

18 A Some -- another employee at Uber who had
19 run -- I think had a friend -- a friend in common with
20 the leader of Ergo.

21 Q And who was that employee at Uber?

22 A Ryan Graves.

23 Q Okay. Now, when you say, "They were
24 recommended to me as a firm that we should consider,"
25 consider for what purpose?

1 A Investigative work.

2 Q Any particular type of investigative work?

3 A No.

4 Q Now, who is -- who is Ryan Graves?

5 A He is an employee at Uber who runs
6 operations.

7 Q Do you report to Mr. Graves?

8 A No.

9 Q And when you say "operations," what general
10 sort of work does Mr. Graves perform at Uber?

11 A So, he oversees our general managers and
12 regional general managers around the world who run our
13 city and regional teams. He oversees our customer
14 support organization. He oversees our HR
15 organization.

16 Q And you may have said this. What does he --
17 what is his title at Uber?

18 A I am not sure --

19 Q Okay.

20 A -- what his exact title is --

21 Q Okay. Is he --

22 A -- to be honest.

23 Q Is he an attorney?

24 A I don't think so.

25 Q Does he perform any legal function at Uber,

1 as far as you know?

2 A No.

3 Q So -- all right.

4 Mr. Graves suggested Ergo to you as a firm
5 that you should consider.

6 Have you used Ergo on any projects yourself?

7 A No.

8 Q Okay. And so, is it your understanding --
9 well, let me take a step back.

10 Do you have any understanding of all of the
11 projects at Uber where Ergo has been retained as a
12 consultant?

13 A No.

14 Q Did you do anything to investigate that
15 issue?

16 A Sorry. I don't understand the question.

17 Q Did you try and figure out whether, in
18 addition to the matter concerning Spencer Meyer, Ergo
19 has done other work for Uber?

20 A No.

21 Q Have you, in your role as chief security
22 officer, ever retained a -- a consultant like Uber or
23 vendor to conduct a background investigation of a
24 plaintiff in a current pending litigation?

25 MR. HANNA: You said Uber. I think you meant

1 Ergo.

2 MR. BRIODY: I did. I did. I apologize.

3 Q Have you, in your role as chief security
4 officer at Uber, ever retained a consultant like Ergo
5 to conduct a background litigation of a plaintiff in a
6 current pending litigation?

7 A So to -- let me give you a little context
8 on -- on how we do investigations at Uber -- we -- and
9 why we do investigations at Uber.

10 We retain outside firms like Ergo on a
11 regular basis for different types of investigations in
12 the security context, primarily because we need to --
13 we -- we're -- as a company, we are in a -- we're in a
14 business that attracts a lot of volatility. In some
15 jurisdictions around the world, it plays out in the
16 political context, and in a lot of places around the
17 world, it plays out in a more physical context.

18 And so, we have a physical security team, and
19 we have an executive protection team, and we have the
20 investigations team that Mat oversees. We -- we see a
21 lot of different challenging things. We also have a
22 trust and safety team that's responsible for safety in
23 the vehicle.

24 We would like to have information at the time
25 that an accident or incident happens in a vehicle, but

1 sometimes we don't learn about it until someone files
2 a lawsuit. And so, as a result of that, sometimes we
3 do investigations related to people who are involved
4 in litigation.

5 And it's in that context that I -- I think I
6 would say "yes" to your question, because we're trying
7 to figure out what actually happened in the vehicle.
8 Is this a safe -- is this driver someone who should be
9 allowed to continue to drive? Is this passenger
10 someone who should continue to be allowed to press a
11 button and get a ride?

12 Other than that, I don't think that we have
13 at Uber.

14 Q Okay. And do you have some familiarity, as
15 we sit here today, with the investigation that Ergo
16 undertook with respect to Mr. Meyer?

17 A I read the report at the time it came in. I
18 have not gone back and looked at it since then.

19 Q Do you have an understanding of how Ergo went
20 about obtaining the information that was contained in
21 its report to you?

22 A I don't.

23 Q Have you attempted to figure that out as you
24 sit -- prior to today, as we sit here today?

25 A No.

1 individuals in the company, or our CEO directly, to
2 make sure that there's no risk. That decision is not
3 tied to whether there is litigation or not. It's --
4 it comes from the experiences that we've had.

5 And, you know, my experiences go back to,
6 like I talked about, working on security and safety
7 issues at eBay and at Facebook. And so I've spent
8 the -- the better part of two decades supporting
9 security organizations that have had to deal with the
10 risks of having high-profile founders and CEOs in --
11 in businesses that are changing business practices and
12 angering people.

13 I think that, you know, what's reflected in
14 the media is a small sliver of the volatility that we
15 see. You know, I've had to deal with many instances
16 where people have, you know, showed up in our lobbies,
17 accosted our executives, flamed them on Twitter, sent
18 them death threats, showed up outside their homes,
19 throwing eggs at their homes, threatened to file
20 lawsuits for, you know, strange reasons, you know.

21 You know, an example of a -- of a public case
22 that got a lot of attention when I was at Facebook was
23 the Paul Ceglia case.

24 There have been a number of times, at all
25 three of these companies, where we've had to either

1 get restraining orders or considered getting
2 restraining orders.

3 And in all of these situa- -- and -- and so,
4 you know, I think that we have a -- a healthy approach
5 to managing risk for our executives, because we want
6 them to be able to go about their lives. And so I --
7 you know, none of these -- none of these founders or
8 CEOs wants to have a security team around them 24/7.
9 So, what we try and do is manage risk efficiently and
10 evaluate risks, and then move on and help them move on
11 with their life.

12 So we -- I've been involved with many times
13 asking our investigations teams to do diligence on
14 people who kind of come on the scene, and it seems a
15 little bit unusual.

16 Q Can you tell me why Uber retained Ergo to
17 investigate Mr. Meyer?

18 MR. HANNA: Objection to the form of the
19 question.

20 THE WITNESS: I don't know. You'd have to
21 ask the person who retained them.

22 MR. BRIODY: Q. Well -- well, Mr. Henley --
23 I asked Mr. Henley that. And he told us that he was
24 ordered to do diligence, and that's why he retained
25 Ergo.

1 A 47. I do, yeah.

2 Q Okay. And, for the record, Exhibit 47 is a
3 document bearing Bates UBER-PRIV '1.

4 Do you recognize this document, Mr. Sullivan?

5 A I do.

6 Q What is it?

7 A It is a -- it's an e-mail thread.

8 Q And who is on the e-mail thread?

9 A Three people. The first e-mail is from Salle
10 Yoo to me, and the second e-mail is from me to Mat
11 Henley.

12 Q And what is the date of this e-mail thread?

13 A December 16th.

14 Q Okay. And so -- and who is Salle Yoo?

15 A She's Uber's general counsel.

16 Q And Mr. Henley?

17 A He's our -- Uber's head of investigations.

18 Q Now, we were discussing before, the e-mail
19 chain begins on -- with an e-mail from Ms. Yoo to
20 yourself, stating:

21 "Joe, could we find out a little more about
22 this plaintiff?"

23 Do you see that?

24 A Uh-huh.

25 Q Did you have further discussions with Ms. Yoo

1 concerning this e-mail?

2 A No.

3 Q Did you discuss with her what sort of
4 information she was looking for?

5 A No.

6 Q Did you discuss with her why she wanted to
7 find out a little bit more about the plaintiff?

8 A No.

9 Q Now, the e-mail from Ms. Yoo to you reflects
10 a forward.

11 Do you see that in the subject line?

12 A Yes.

13 Q Do you know what was -- what communications
14 she forwarded to you?

15 A I don't.

16 Q Do you have any understanding of -- well,
17 I'll withdraw that question.

18 You take Ms. Yoo's communication and forward
19 it along to Mr. Henley; correct?

20 A Yes.

21 Q And you also attach a copy of the complaint,
22 which I presume was attached to what Ms. Yoo sent you?

23 A I think so, but I can't say for certain
24 without -- I mean, yeah, it showed -- actually, I can.
25 It shows that I forwarded it to -- I forwarded it to

1 Mat Henley, and there was an attachment, which was a
2 PDF.

3 Q Okay.

4 A And the label is on the document.

5 Q And so you tell Mr. Henley to please do a
6 careful check on this plaintiff.

7 Do you see that?

8 A I do.

9 Q Okay. And why did you tell him to do that?

10 A Because I thought it would be a good idea.

11 Q And you thought it would be a good idea when
12 you wrote this e-mail because why?

13 A Because, as I mentioned earlier, I -- I
14 reviewed -- I looked at the document -- that attached
15 document, the -- and I noticed a couple of things, and
16 agreed with the -- you know, in my head thought this
17 is a risk situation worthy of examination.

18 Q And -- and to go back a second, did -- did
19 you have any further discussions with Ms. Yoo -- let
20 me -- I want to put a time frame on this.

21 After you forwarded the e-mail from Ms. Yoo
22 on to -- or rather -- let me withdraw that.

23 Before you forwarded the e-mail from Ms. Yoo
24 on to Mr. Henley, did you have a discussion with
25 Ms. Yoo about what she was looking for and why she was

1 looking for you to look into Mr. Meyer?

2 MR. HANNA: Objection to the form of the
3 question; asked and answered.

4 You can -- you can answer again.

5 THE WITNESS: Yeah, I already answered that I
6 had not.

7 MR. BRIODY: Q. Did there come a time, after
8 you forwarded the e-mail to Mr. Henley, when you
9 discussed with Ms. Yoo the reasons why she suggested
10 to you to find out a little bit more about Mr. Meyer?

11 A No.

12 Q And I just want to be clear on this. I would
13 like you to tell me all of the reasons why you
14 understand the investigation of Mr. Meyer was
15 undertaken.

16 A I can't tell you why Salle Yoo made the
17 request to me. I can tell you why I thought it was a
18 good idea.

19 Q Okay.

20 A And I already did.

21 Q Okay. Now, after you sent this e-mail to
22 Mr. Henley, did you -- well, let me take a step back.

23 Did you understand, when Ms. Yoo sent this
24 e-mail to you about finding out a little bit more
25 about the plaintiff, she had discussed this lawsuit

1 with Mr. Kalanick?

2 A I'm sorry. Say that again.

3 Q Sure.

4 Did you have any understanding of whether
5 Ms. Yoo spoke with Mr. Kalanick before she sent this
6 e-mail to you on December 16th?

7 A I don't know if they had any conversations
8 ever about this case.

9 Q Do you regularly speak to Mr. Kalanick?

10 A I do.

11 Q Okay. Did you -- have you discussed this
12 matter, this litigation, with Mr. Kalanick?

13 A Never.

14 Q Have you ever discussed the retention of Ergo
15 in any capacity with Mr. Kalanick?

16 A No.

17 Q Have you ever -- are you familiar with the
18 law firm Boies Schiller?

19 A I am.

20 Q Do you know a fellow named Peter Skinner?

21 A I don't know if I do.

22 Q Okay. I'm interested in knowing if you ever
23 discussed with -- we'll take it one by one -- Peter
24 Skinner, the fact that Ergo was conducting an
25 investigation concerning Mr. Meyer?

1 can have a chance to understand the privileged
2 contexts --

3 MR. BRIODY: Okay.

4 MR. HANNA: -- that these might come in. And
5 if it's not -- you know, we want to be helpful. We
6 want to give you information. I just don't want to
7 inadvertently waive any privilege on any matters.

8 MR. BRIODY: I understand. I'm just trying
9 to make the questioning concrete.

10 Q So, I mean, if we can go back. If you
11 don't -- if you don't want to give me the names of the
12 entities, that's fine.

13 But I -- what I'd like to understand is:
14 When you commission a consultant to perform diligence
15 on an individual who is a perceived threat of some
16 variety, what is -- what is understood that the vendor
17 will do -- the consultant will do?

18 A I think it would be better -- a better
19 question for Mr. Henley, in particular, as he oversees
20 the actual engagements with outside consultants. I
21 don't -- I don't have active direct engagement with
22 them or determine the scope of the engagement.

23 Q Can you tell me what you know, please.

24 A I have not given direct guidance to any
25 outside consultants on this type of investigation, so

1 I can't.

2 The -- you know, the guidance that I give to
3 Mat and to our team, that's responsible for working
4 with the legal department on setting up all of our
5 consultants, is that I expect them to be extremely
6 ethical and diligent in the way that we conduct
7 ourselves.

8 I think that that personally is my approach.
9 And it's -- it's stood me well through my career to
10 take -- to take a deliberate and careful approach to
11 things like investigations.

12 You know, I come from a background of being a
13 thorough prosecutor, where I over- -- oversaw
14 investigations that, you know, had standards and
15 frameworks and expectations. And I want to have that
16 same level of expectations and quality and respect in
17 the way we do our work.

18 I also think that is of importance, not only
19 because of my personal perspective, but because it's
20 the right thing to do.

21 And I also believe, thirdly, that Uber is
22 under a microscope in everything we do, you know. At
23 every one of the companies I've been at, it's been
24 that way, where media enjoy writing about us. People
25 enjoy reading about us. And I can't control how we're

1 characterized in those circumstances, other than make
2 sure that we do our best to follow high standards.

3 So, you know, in our contracts with any
4 consultants, we put that we expect them to follow the
5 law, and we try and give them guidelines. And I
6 expect Mat Henley and his team to follow that
7 perspective.

8 Q Okay. And I appreciate that. Thank you for
9 that answer.

10 But what I -- I want an understanding of --
11 from -- from you, if I can have it, is in your
12 experience -- so what it sounds to me is you -- you're
13 referring me to Mr. Henley for how -- an expectation
14 of how an investigation is going to be carried out of
15 a potential threat for the time period you're at Uber.

16 I'm asking about your general experience and
17 the work that you've done over the years.

18 If you retain a vendor to do diligence on an
19 individual who you perceive to be a potential threat,
20 what is your expectation about how that investigation
21 is going to be carried out?

22 A I think every situation is a little bit
23 unique, and so I probably can't give you a generalized
24 answer.

25 Q Okay.

1 A Also, I've been a little bit away from the
2 front line for -- well, quite a few years now.

3 Q Is it your expectation that, as part of an
4 investigation, the investigator who is looking into an
5 individual will go to people who are familiar with the
6 target of the investigation and make false statements
7 about the reason why they're looking into the target?

8 A No.

9 Q Is it -- are you familiar with the concept of
10 an investigator using a cover for an investigation?

11 A I'm familiar with that concept for sure.

12 Q What do you --

13 A When I was a prosecutor, I managed undercover
14 investigations all the time.

15 Q Okay. So I want to -- let's -- thank you. I
16 appreciate that.

17 Do you have an understanding of -- and I was
18 talking about in the private realm where you're
19 undertaking to retain a consultant to do diligence or
20 look into a particular individual who you're
21 perceiving is a threat to an executive. That's what
22 I'm talking about.

23 Are you familiar with the consultant using a
24 cover as part of that sort of work?

25 A No.

1 Q After you sent this e-mail to Mr. Henley,
2 what did you expect Mr. Henley would do?

3 A I expected that he would conduct -- engage in
4 conducting an investigation, either through, you know,
5 his team or through an outside vendor.

6 Q Was there some sort of template or rules of
7 the road between you and Mr. Henley, where you had an
8 expectation of a particular type of work product he
9 would return to you?

10 A No. It can -- it can vary.

11 Q Now, the retention of Ergo in connection with
12 the Meyer investigation, my understanding is that's
13 something that was done solely by Mr. Henley; is that
14 correct?

15 A I don't know if it was solely by him, but it
16 didn't involve me.

17 Q Did you have any contact with -- you
18 mentioned before Ryan Graves.

19 Did you ever recommend the use of Ergo to Mat
20 Henley after your discussion with Mr. Graves?

21 A So, what happened was Ryan Graves connected
22 me by e-mail with someone from Ergo.

23 And then I connected that person with Mat
24 Henley and said, Mat is our head of investigations.
25 To the extent that -- to the effect that if -- if

1 there's any oppor- -- if there's any business
2 opportunity here, it would be working with
3 Mr. Henley's team.

4 And that was the extent of my engagement.

5 Q And to take -- the individual who you had the
6 e-mails with at Ergo was who?

7 A I don't remember.

8 Q Was it Todd Egeland?

9 A I think so, but I don't remember.

10 Q Now, what I'm wondering is: How is it your
11 understanding of how Ergo came to be retained to do
12 the work on the Meyer matter?

13 A I didn't know that they were retained until I
14 saw the report.

15 Q Okay. Now, if -- I'm going to show you -- if
16 you could take out -- oh, let me ask you a question
17 about your interactions with Ergo. So, there was this
18 e-mail exchange.

19 What other communications, if any, did you
20 have directly with Ergo?

21 A None.

22 Q And that goes for -- for this initial e-mail
23 intro with Mr. Henley forward, no communications at
24 all?

25 A Correct.

1 A I don't know.

2 Q Okay. So I -- I had handed you Exhibit 54.

3 And, for the record, Exhibit 54 is a document bearing
4 Bates UBER-PRIV59. If you could take a moment and
5 look at it.

6 And my first question is: Do you recognize
7 it?

8 A Yeah. Yes, I do.

9 Q And what is it?

10 A Well, it's a -- it's an e-mail thread that
11 includes a number of people. At the top is my -- an
12 e-mail from me to Salle Yoo, forwarding an e-mail I
13 had received from Mat Henley.

14 Q And that e-mail had an attachment; correct?

15 A It had an attachment.

16 Q And that attachment is -- if you turn the
17 page, that's:

18 "The Reputational Investigation of Spencer
19 Meyer, Prepared for Mr. Craig Clark."

20 Do you see that?

21 A Yes.

22 Q Okay. Now, to be clear, this is -- you send
23 the e-mail on December 16th to Mr. Henley. And then
24 you have no involvement in the Meyer investigation at
25 all. And then you receive this e-mail from

1 Mr. Henley, which you forward on to Ms. Yoo; is that
2 right?

3 A That's right.

4 Q Okay. Now, did you review the report when
5 you received it from Mr. Henley?

6 A I did.

7 Q And was the work product what you expected to
8 receive from Mr. Henley?

9 A I'm not sure what you mean.

10 Q Were you pleased with the report?

11 A I don't remember thinking in terms of whether
12 I was pleased or not.

13 Q Did you think -- was the report what you
14 expected to receive from Mr. Henley, when you tasked
15 him with the investigation of looking into the
16 plaintiff?

17 A I think that it -- you know, obviously, I
18 don't remember specifically my reaction at the time,
19 other than that it satisfied my concerns from a
20 security risk management standpoint and made me
21 comfortable that we didn't need to do anything
22 further.

23 Q And when you say it satisfied your concerns
24 from a security risk management standpoint, was that
25 your only concern when you forwarded the assignment to

1 tarnishes his professional reputation."

2 Do you see that?

3 A I do.

4 Q Now, can you tell me how that aligns with
5 concern about Mr. Meyer from a safety perspective for
6 Mr. Kalanick?

7 A No.

8 Q When you read this report, did you wonder,
9 why is this stuff in here about, you know, the fact
10 that Ergo believed that Meyer may be sensitive to
11 publicity that tarnishes his professional reputation?

12 A So, at a general level, when I get
13 investigative reports, they have a lot of -- they have
14 a lot of stuff in them. They use -- A, they use a lot
15 of fluff forms in -- in -- that they probably include
16 in every report, and then they -- you know, they have
17 their observations.

18 You know, my preference is -- in -- in
19 reports is to just have concrete facts so that I can
20 draw my own conclusions.

21 But -- so, when I read reports, I guess my
22 training and focus is on zooming in quickly on finding
23 the things that I'm interested in, and then moving
24 through it.

25 A lot of things come across my desk on a

1 daily basis. And so my goal, when I get a report is,
2 I don't -- I'm not going to necessarily read every
3 line of a report. I'm going to focus on the risks
4 that I'm worried about, and then I'm going to move on
5 to my next -- the next thing I've got to deal with.

6 Q Did you have any understanding of whether
7 Ms. Yoo was interested in finding out information
8 concerning what issues Mr. Meyer may or may not be
9 sensitive to?

10 A So sorry. Can I read that or say that again?

11 Q Sure.

12 I'm wondering if you had any sense of
13 whether -- in connection with the Ergo investigation
14 that was undertaken, was it Miss -- Ms. Yoo's
15 expectation that there would be a report on matters of
16 what Mr. Meyer may be particularly sensitive to?

17 A I have no idea.

18 Q What about Mr. Meyer's motivations -- an
19 analysis of Mr. Meyer's motivations for bringing a
20 lawsuit?

21 A I -- I can't -- I can't tell you anything
22 about Salle Yoo's expectations, because I haven't
23 talked to her about them.

24 Q Did you ever -- if we can turn to page --
25 it's a couple of pages forward. There's "Source

1 Biographies." It's got 67 at the bottom right.

2 A (Witness complies.)

3 Q And I just want to ask you: Is this
4 something you read?

5 Did you read the source biographies when you
6 received the report on the 19th of January?

7 A I don't remember.

8 Q Did you read them at any time thereafter?

9 A I haven't gone back to -- this is the first
10 time I've looked at the report since that date.

11 Q Did you give any consideration to the fact
12 that there were source biographies in here and how
13 those sources, which include, for example, "Meyer's
14 peer and friend," how those individuals were
15 contacted?

16 A I don't recall.

17 Q Do you know that, in conducting its
18 investigation, Ergo made telephone recordings of the
19 sources -- the conversations that the investigator had
20 with the sources in the Meyer investigation?

21 A Do I know what about them?

22 Q Do you know that in the Meyer investigation,
23 the Ergo investigator made phone recordings, without
24 advising the people he was talking to, that he was
25 doing that?

1 A I don't know if he -- they did or not.

2 Q You haven't gotten any recordings or any of
3 the sort of work product behind this report?

4 A All I've seen is this report, and I've only
5 reviewed it one -- one time in January.

6 Q Now, was it expected when you tasked -- well,
7 let me -- let me ask you this: Did you have a
8 conversation with Mr. Henley, when you gave him his
9 assignment back on December 16 -- December 16, 2015,
10 that it should be kept confidential?

11 A What do you -- what do you mean a
12 conversation?

13 Q Did you tell him, Hey, look into this
14 plaintiff, but don't let anyone know we're doing it?

15 A I don't think I had any conversations with
16 him, other than the e-mail exchange.

17 Q Okay. Was it your understanding, based on
18 your prior work with Mr. Henley, that the
19 investigation would be kept confidential and not
20 published to everybody that it was happening?

21 A I think -- I think that would be consistent
22 with my expectation.

23 MR. HANNA: Is now a good time for a break,
24 John?

25 MR. BRIODY: Let me check. Yeah, that's

1 MR. BRIODY: Okay.

2 Q And -- and to go back to those e-mails, 54
3 was when you sent the report to her. And I think you
4 said -- I just want to confirm -- you heard nothing
5 further from Ms. Yoo concerning the report prepared by
6 Ergo concerning Mr. Meyer; is that correct?

7 A After passing the report on to her, as I did
8 in this e-mail, we did not talk about the report
9 again.

10 Q And did you have any discussions about the --
11 about Spencer Meyer after that report was forwarded?

12 A No.

13 Q Had any discussions about this litigation,
14 the -- the litigation brought by Mr. Meyer against
15 Mr. Kalanick?

16 A The only -- I think the only conversation
17 we've had at all, since this e-mail exchange, was
18 related to the logistics of this process that we're in
19 now.

20 Q Okay. And meaning the deposition?

21 A Meaning the deposition.

22 Q Okay. Are you aware -- let me do it this
23 way.

24 And, in your deposition today, did you meet
25 with anyone to prepare for the deposition?

1 A In the -- in the recent -- in the recent
2 past, as this -- as this process was initiated, that's
3 how I learned that there had been complaints.

4 Q It came to your attention -- when did it come
5 to your attention that there were complaints by
6 plaintiff's counsel concerning the Ergo investigation?

7 A I don't recall the specific date, but it was
8 in the context of this process by our legal
9 department.

10 Q And I just want names.

11 Who did you communicate with on that issue in
12 your legal department?

13 A I think I was originally -- I think I
14 originally heard it from Lindsey Haswell.

15 Q Okay. Now, I want to ask you a question
16 about Ms. Haswell.

17 Was Ms. Haswell at all involved or having any
18 discussions with you in connection with the retention
19 of Ergo and the request for an investigation of
20 Mr. Meyer?

21 A No.

22 Q And when, if you can -- did you first
23 discuss -- or I'll withdraw that question.

24 Did you speak with Mr. White concerning the
25 investigation of Mr. Meyer by Ergo?

1 A I don't -- who is Mr. White?

2 Q I'm sorry.

3 MR. WHITE: It's okay.

4 MR. BRIODY: He's right here.

5 Q In any case, I'll take that as a "no."

6 And is it -- you're -- you're --

7 A Does his business card say Mr. White?

8 Q -- chief secure -- as chief security --

9 A I'm not used to referring to people by their
10 last name and Mister at Uber.

11 Q Okay. Understood.

12 A That sounded like something out of Clue.

13 Q That's Mrs. White --

14 A Yeah.

15 Q -- if I remember correctly.

16 So in your role at Uber, do you work with --
17 withdrawn.

18 Is it your understanding that Ms. Haswell
19 works in litigation at Uber?

20 A I think so.

21 Q Okay. And do you work with the litigation
22 group frequently?

23 A Not frequently.

24 Q Is it unusual for you to be working and
25 interacting with the litigation group at Uber?

1 A It's not unusual. I mean, it happens.

2 Q Now, are you aware that, when Ergo approached
3 information sources, it did not tell them the truth
4 about the reasons why it was asking for information in
5 connection with the Meyer investigation?

6 A I was not aware of that. I understand from,
7 like, the preparation for today that that's been an
8 issue that's been suggested.

9 Q Okay. Sitting here today, are you aware that
10 Ergo made false statements in connection with its
11 investigation of Mr. Meyer?

12 A I can't say whether they have or have not --
13 whether they did or did not.

14 Q Okay. And you -- to be clear on the question
15 before, you did not do anything to supervise Ergo's
16 investigation as it was unfolding; correct?

17 A That's right.

18 Q Now, if you could tell me briefly, I just
19 want to know what your role was after you became aware
20 that the plaintiff's counsel had approached
21 Mr. Kalanick's counsel with a problem about the Ergo
22 investigation of Mr. Meyer.

23 What role, if any, did you play?

24 A I don't know if -- I don't know if the
25 attorneys you described ever talked, so I don't know

1 next.

2 Did you send that report to anyone else
3 besides Ms. Yoo?

4 A No.

5 Q Do you know if the report was sent to anyone
6 else besides Ms. Yoo?

7 A I don't know.

8 Q Has Uber taken any action, based upon the
9 information contained in the Ergo report?

10 A Well, I made the decision to not do any
11 action around risk mitigation in a security context.
12 I mean, if inaction can be action, that...

13 Q Anything else?

14 A Not that I'm aware.

15 THE WITNESS: I'll grab a water.

16 MR. BRIODY: Can we go off -- can we go off
17 for a few minutes?

18 MR. HANNA: Sure.

19 MR. BRIODY: Off the record.

20 (Recess taken.)

21 MR. BRIODY: Q. Mr. Sullivan, to be clear on
22 a couple of points, you did -- you did not refer
23 Mr. Henley to Ergo for this specific Meyer project;
24 correct?

25 A That's correct.

1 or go to certain places. Sometimes we have to put
2 photo -- give photographs to guards in the lobbies of
3 people we -- who keep showing up. Sometimes we have
4 to clean up broken windows.

5 Sometimes we have to deal with -- you know,
6 we just have to deal with, on a daily basis, threats
7 to our employees, and not just threats, but actual
8 manifestation of those threats.

9 So, I'm always on the lookout when situations
10 arise that could be a cause for concern, and I'm
11 always careful to make sure that we do our diligence
12 in those situations.

13 MR. BRIODY: Q. And so what I'm -- I -- I
14 want to know is, if you can tell me specifically with
15 respect to this situation and -- and Mr. Meyer's suit:
16 What was it about it that made you feel like --

17 A Sure.

18 Q -- that this was a situation where you had to
19 go and look at the individual?

20 A I think I -- I answered this already earlier
21 as well. But the two things that, you know, looking
22 again at it now, stand out pretty clearly were that it
23 was a -- it was naming our CEO individually rather
24 than the company, and that it was titled as an
25 antitrust lawsuit, which I don't -- as I said earlier,